

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICKY MANUEL,

Petitioner,

v.

WESTERN STATE HOSPITAL et al.,

Respondent.

CASE NO. C13-5832 RJB-JRC

ORDER TO SHOW CAUSE

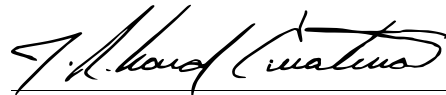
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner seeks relief from involuntary confinement in a state mental hospital. Petitioner filed the petition pursuant to 28 U.S.C. § 2241.

The Court has not yet granted petitioner in forma pauperis status. The Court reviewed the petition and found that petitioner has appealed his civil commitment to the King County Superior Court and that his appeal is "pending." (ECF No. 1, proposed petition p. 3).

1 A petitioner filing pursuant to 28 U.S.C. § 2241 does not face the requirement to exhaust  
2 state remedies before filing as an inmate pursuant to 28 U.S.C. § 2254. However, other courts  
3 have held that a court should abstain from exercising jurisdiction if the issue could be addressed  
4 in state proceedings. *Farrell v. Ramsey*, 28 Fed. Appx. 751, 754 (10th Cir, 2001).

5 Petitioner is ordered to show cause why he has not exhausted his state remedies prior to  
6 filing this petition. The Court will consider whether to grant in forma pauperis status after  
7 receiving petitioner's response. Petitioner's response will be due on or before October 25, 2013.

8 Dated this 30<sup>th</sup> day of September, 2013.

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11 J. Richard Creatura  
12 United States Magistrate Judge  
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